

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

183S0698

HOUSE JUDICIARY ENGROSSED NO. **HB 1242** - 2/17/2011

Introduced by: Representatives Killer, Elliott, Fargen, Hunhoff (Bernie), Iron Cloud III, Kirschman, Lucas, Schrempp, Sigdestad, Stricherz, and Wismer and Senators Bradford, Buhl, Frerichs, Lederman, Maher, Nygaard, Schlekeway, and Sutton

1 FOR AN ACT ENTITLED, An Act to authorize the use of tribal identification cards as the
2 equivalent of certain state-issued documents for identification purposes.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. A tribal identification card is a valid form of identification for all purposes
5 relating to banks or financial institutions for which a South Dakota nondriver identification card
6 or a South Dakota driver license may be used. Furthermore, tribal identification cards shall be
7 accepted as valid forms of identification for the purpose of cashing checks wherever checks may
8 be cashed. For purposes of this Act, the term, tribal identification card, means an unexpired
9 identification card issued by a South Dakota tribal government of a tribe recognized by the
10 Bureau of Indian Affairs, United States Department of the Interior, that contains the legal name,
11 date of birth, signature, and picture of the enrolled tribal member.

12 Section 2. No person may:

13 (1) Possess any cancelled, fictitious, fraudulently altered, or fraudulently obtained tribal



1 identification card;

2 (2) Lend the person's tribal identification card to any other person or knowingly permit
3 its use by another;

4 (3) Display or represent a tribal identification card not issued to the person as being the
5 person's card;

6 (4) Photograph, duplicate, or in any way reproduce a tribal identification card or
7 facsimile thereof in such a manner that it could be mistaken for a valid identification
8 card;

9 (5) Use a tribal identification card that was obtained by false swearing, fraud, or false
10 statement of any kind or in any form.

11 A violation of this section is a Class 1 misdemeanor.

12 Section 3. That § 22-40-9 be amended to read as follows:

13 22-40-9. For the purposes of §§ 22-40-8 to 22-40-10, inclusive, identifying information
14 includes:

15 (1) Birth certificate or passport information;

16 (2) Driver's license numbers or tribal identification card information;

17 (3) Social security or other taxpayer identification numbers;

18 (4) Checking account numbers;

19 (5) Savings account numbers;

20 (6) Credit card numbers;

21 (7) Debit card numbers;

22 (8) Personal identification numbers, passwords, or challenge questions;

23 (9) User names or identifications;

24 (10) Biometric data; or

(11) Any other numbers, documents, or information which can be used to access another person's financial resources.

Section 4. That § 34-46-1 be amended to read as follows:

34-46-1. Terms used in this chapter mean:

(1) "Proof of age," a driver's license, nondriver identification card, tribal identification card, or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid;

(2) "Sample," tobacco products distributed to members of the general public at no cost for purposes of promoting the product;

(3) "Sampling," the distribution of samples to members of the general public in a public place;

(4) "Self-service display," a display that contains cigarettes or smokeless tobacco, or both, and is located in an area openly accessible to the merchant's consumers, and from which such consumers can readily access cigarettes or smokeless tobacco, or both, without the assistance of the merchant or an employee or agent of the merchant. A display case that holds tobacco products behind locked doors does not constitute a self-service display;

(5) "Tobacco product," any item made of tobacco intended for human consumption, including cigarettes, cigars, pipe tobacco, and smokeless tobacco;

(6) "Tobacco speciality store," a business that derives at least seventy-five percent of its revenue from the sale of tobacco products.